IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 3570 of 2006
Date of decision : 21.9.2006.

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Parties Name

Ram Kumar

..... Appellant.

vs.

Smt. Pistan Devi and another

.....Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. K.D.S. Hooda, Advocate
for the appellant.

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S.N. Aggarwal, J.

Dawat Ram was the owner of the house. He had two sons, namely, Richha Ram and Banarasi Dass. Banarasi Dass died leaving behind his widow, three sons and one daughter. They all shifted to Karnal. However, Richha Ram son of Dawat Ram alongwith his family was residing with said Dawat Ram in village Jalmana, Tehsil Assandh. Said Dawat Ram died in the year 1974. His son, Richha Ram died in the year 1976. He left behind his widow Smt. Pistan Devi-respondent No.1, three sons and four daughters. They had a house in village Jalmana. The life was not safe in village Jalmana. Robberies and commission of thefts were frequent. As a result, the

respondents handed over the possession of their house in July 1995 to Ram Kumar-appellant for residence. Said Ram Kumar demolished the entire building and while demolishing the building he found a wooden box buried by Richha Ram underground, which contained asharfies and coins weighing about 200 tolas (shown by the police as 921.10 grams). It was taken in possession by the police under Section 25 of the Police Act on 19.8.1995. Thereafter, the appellant moved an application before the District Magistrate, Karnal to claim entitlement to get back the gold ornaments.

Smt. Pistan Devi – respondent No.1 also filed the claim petition. The Department of Archeology and Museum, Government of Haryana also claimed that the said jewellery was 100 years old and the coins belonged to Mughal period and therefore, they claimed the said coins and jewellery. Since there were conflicting claims, the District Magistrate-cum-Collector, Karnal directed the parties to get their rights settled in civil litigation.

On this, Smt. Pistan Devi-respondent No.1 filed a civil suit claiming ownership of the gold jewellery/coins. The said suit was contested by the appellant.

Issues were framed. The parties led the evidence. Ultimately, the suit of Smt. Pistan Devi-respondent No.1 was decreed by the learned trial Court vide judgment and decree dated 6.5.2005.

Ram Kumar-appellant filed the appeal. The said appeal was dismissed by the learned Lower Appellate Court vide judgment and decree dated 16.2.2006.

Hence, the present appeal.

It was submitted by the learned counsel for the appellant that since Ram Kuamr –appellant was in possession of the suit property and he had found out the coins/jewellery box while digging/demolishing the said building, therefore, he was entitled to get back the gold ornaments/jewellery.

This submission has been considered. It has no merits. Admittedly, the house does not belong to Ram Kumar-appellant. The house belongs to the family of Dawat Ram, Richha Ram and Smt. Pistan Devi was the owner of the said house. They had permitted the appellant to reside there temporarily. If certain recoveries have been made from the said house, those belong to the owners of the house. Therefore, Smt. Pistan Devi being the representative of the owners was entitled to get back the possession of the coins/jewellery recovered from the said house. The Courts below have given concurrent findings of fact. This Court does not find any ground to disagree with them, nor does any substantial question of law arise.

There is no merit in the present appeal and the same is dismissed.

(S.N.Aggarwal)
Judge

21.9.2006.
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